

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH HENSLEY,)	
Plaintiff,)	
)	C.A. No. 18-355 Pittsburgh
v.)	
)	
JOSEPH TREMPUS, et al,)	District Judge Susan Paradise Baxter
Defendants.)	Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

This action was commenced by Plaintiff's filing of a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis* ("ifp motion") [ECF No. 1], on March 19, 2018. This matter was originally referred to the undersigned, then a United States Magistrate Judge, for all pretrial proceedings.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. This case was subsequently reassigned to the undersigned, as presiding judge, and was referred to newly appointed United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On November 1, 2018, Plaintiff filed a document entitled "motion for immediate release to rehab" [ECF No. 26], which is construed as a motion for injunctive relief. In this one sentence motion, Plaintiff seeks an order releasing him from prison to a rehab center "as SCI's can not properly treat him...." (*Id.*).

On January 17, 2019, Magistrate Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that Plaintiff's motion for injunctive relief [ECF No. 26] be denied

because Plaintiff seeks relief that is both unrelated to any of the matters raised in the underlying complaint and not cognizable in an action pursuant to 42 U.S.C. § 1983. [ECF No. 28]. Plaintiff has since filed timely objections to the R&R that failed to raise any grounds to overcome the deficiencies recognized by the Magistrate Judge. [ECF No. 29].

After *de novo* review of the motion and relevant documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 27th day of February, 2019;

IT IS HEREBY ORDERED that Plaintiff's "motion for immediate release to rehab," which has been construed as a motion for injunctive relief [ECF No. 26], is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued January 17, 2019 [ECF No. 28], is adopted as the opinion of the court.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge